

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FIRSTBANK PUERTO RICO,

Plaintiff,

Civil Action No. 09 Civ. 10317 (GBD)

-against-

BARCLAYS CAPITAL, INC.,

Defendant.

DECLARATION OF DANIEL S. WEINBERGER

I, Daniel S. Weinberger, of full age, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney admitted before the courts of the State of New York and the United States District Court for the Southern District of New York, and associated with the law firm of Gibbons P.C., counsel for plaintiff FirstBank Puerto Rico (“FirstBank”) in this action.

2. I submit this Declaration in support of FirstBank’s opposition to Barclays Capital Inc.’s (“Barclays”) motion to refer this action to the Bankruptcy Court.

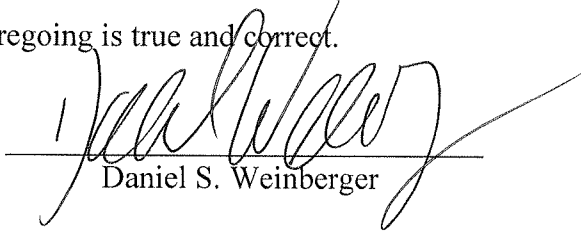
3. I attach true and correct copies of the following documents as Exhibits A through D:

<u>Exhibit</u>	<u>Document</u>
A	Derivatives - MTM Statement from Lehman Brothers Special Financing, Inc. to FirstBank, dated September 1, 2008.
B	Letter from Jeffrey A. Mitchell to Boaz S. Morag, dated June 1, 2010.
C	Letter from Boaz S. Morag to Jeffrey A. Mitchell, dated June 4, 2010.

Exhibit Document

- D Verified Amended Complaint, dated December 12, 2008 (D.I. 22 in *Evergreen Solar, Inc. v. Barclays PLC*, Adv. Proc. No. 08-01633 (JMP) (Bankr. S.D.N.Y.)).

I hereby declare under penalty of perjury that the foregoing is true and correct.



Daniel S. Weinberger

Dated: June 30, 2010
New York, New York